

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) **Case No. 17-03125-01-CR-S-MDH**
)
WILLARD BEGAY,)
)
Defendant.)

ORDER

Pursuant to governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, Defendant's request for a competency examination and determination of mental competency (Doc. 17) was referred to the United States Magistrate Judge for preliminary review under § 636(b), Title 28, United States Code. The Magistrate Judge ordered that Defendant undergo a psychiatric examination. (Doc. 18). After reviewing the psychiatric report and conducting a competency hearing, the Magistrate Judge submitted a Report and Recommendation to the undersigned (Doc. 23). Neither party filed exceptions to the report and recommendation and the time to do so has expired. As such, the report and recommendation is ripe for ruling.

After careful review of the files and records, the Court adopts the findings and recommendations of the United States Magistrate Judge. The sole, unopposed expert opinion of the examining psychologist Dr. Ashley Christiansen, Ph.D., was the only evidence regarding competency. In her report, Dr. Christiansen stated her belief that Defendant exhibits symptoms of a psychotic disorder that impaired his rational understanding of his legal situation and his ability to consult with his attorney, and is consequently not currently competent to proceed. (Doc. 19).

Dr. Christiansen further stated her belief that Defendant's symptoms have improved over the last eleven months and that he would likely be restored to competency in the foreseeable future. *Id.*

The record before the Court establishes by a preponderance of the evidence that Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense and is therefore incompetent to stand trial under 18 U.S.C. § 4241(d).

It is therefore **ORDERED** that the Report and Recommendation of the United States Magistrate Judge (Doc. 23) is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant is declared incompetent to stand trial pursuant to 18 U.S.C. § 4241, and Defendant shall be committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d)(1) for a reasonable period of time, not to exceed four months.

IT IS SO ORDERED.

Dated: August 16, 2018

/s/ Douglas Harpool

DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE